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Attorneys for Defendant
GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561-WHA

**DECLARATION OF DANIEL PURCELL
IN SUPPORT OF GOOGLE INC.'S
MOTIONS *IN LIMINE***

Judge: Hon. William Alsup

Date Comp. Filed: October 27, 2010

Trial Date: October 31, 2011

1 I, Daniel Purcell, declare as follows:

2 1. I am a partner in the law firm of Keker & Van Nest LLP, counsel to Google Inc.
3 (“Google”) in the present case. I submit this declaration in support of Google Inc.’s Motions *in*
4 *Limine*. I have knowledge of the facts set forth herein, and if called to testify as a witness thereto
5 could do so competently under oath.

6 2. Attached hereto as **Exhibit 1** is a true and correct copy of the Declaration of Tim
7 Lindholm in Support of Google’s Motion in Limine #1 to Exclude Mr. Lindholm’s August 6,
8 2010 Email and Drafts Thereof.

9 3. Attached hereto as **Exhibit 2** are true and correct copies of excerpts of the
10 transcript of the deposition of John C. Mitchell, taken September 6, 2011.

11 4. Attached hereto as **Exhibit 3** are true and correct copies of excerpts of the
12 Opening Expert Report of John C. Mitchell Regarding Patent Infringement, dated August 8,
13 2011.

14 5. Attached hereto as **Exhibit 4** are true and correct copies of excerpts of the
15 transcript of the deposition of Robert Vandette, taken September 7, 2011.

16 6. Attached hereto as **Exhibit 5** are true and correct copies of excerpts of the
17 transcript of the deposition of Noel Poore, taken September 7, 2011.

18 7. Attached hereto as **Exhibit 6** are true and correct copies of excerpts of the
19 transcript of the deposition of Erez Landau, taken September 14, 2011.

20 8. Attached hereto as **Exhibit 7** are true and correct copies of excerpts of the
21 Summary and Report of Robert (“Bob”) G. Vandette, dated August 8, 2011.

22 9. Attached hereto as **Exhibit 8** are true and correct copies of excerpts of the
23 Summary and Report of Noel Poore, dated August 6, 2011.

24 10. Attached hereto as **Exhibit 9** are true and correct copies of excerpts of the
25 Summary and Report of Erez Landau, dated August 8, 2011.

26 11. Attached hereto as **Exhibit 10** are true and correct copies of excerpts of the
27 Summary of Investigation for Damages Expert by Seeon Birger, dated September 12, 2011.

28 12. Attached hereto as **Exhibit 11** is a true and correct copy of an email from Mark

Francis, Esq. to Mark D. Peters, Esq., dated September 21, 2011.

13. Attached hereto as **Exhibit 12** is a true and correct copy of an excerpt from Exhibit 494 to the deposition of Erez Landau, taken September 14, 2011.

14. Attached hereto as **Exhibit 13** is a true and correct copy of an excerpt from Exhibit 462 to the deposition of Robert Vandette, taken September 7, 2011.

15. Attached hereto as **Exhibit 14** is a true and correct copy of an excerpt from Exhibit 491 to the deposition of Erez Landau, taken September 14, 2011.

16. Attached hereto as **Exhibit 15** are true and correct copies of excerpts of the Expert Report of Dr. Iain M. Cockburn, dated September 12, 2011 and revised September 15, 2011.

17. Attached hereto as **Exhibit 16** is a true and correct copy of a document produced by Oracle America, Inc. ("Oracle") in this case bearing a production number OAGOOOGLE0000358175.

18. Attached hereto as **Exhibit 17** are true and correct copies of excerpts of the transcript of the deposition of Jonathan Scwhartz, taken July 20, 2011.

19. Attached hereto as **Exhibit 18** is a true and correct copy of a document produced by Oracle in this case bearing the production number OAGOOOGLE0100166874.

20. Attached hereto as **Exhibit 19** is a true and correct copy of a document produced by Oralce in this case bearing the production number OAGOOOGLE0100166873.

21. Attached hereto as **Exhibit 20** is a true and correct copy of Exhibit 2 to the Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

22. Attached hereto as **Exhibit 21** is a true and correct copy of Exhibit 4 to the Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

23. Attached hereto as **Exhibit 22** is a true and correct copy of Exhibit 5 to the Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

24. Attached hereto as **Exhibit 23** is a true and correct copy of Exhibit 6 to the Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

25. Attached hereto as **Exhibit 24** is a true and correct copy of Exhibit 7 to the Expert

1 Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

2 26. Attached hereto as **Exhibit 25** is a true and correct copy of Exhibit 8 to the Expert
3 Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

4 27. Attached hereto as **Exhibit 26** is a true and correct copy of Exhibit 9 to the Expert
5 Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

6 28. Attached hereto as **Exhibit 27** is a true and correct copy of Exhibit 10 to the
7 Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

8 29. Attached hereto as **Exhibit 28** is a true and correct copy of Exhibit 11 to the
9 Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

10 30. Attached hereto as **Exhibit 29** is a true and correct copy of Exhibit 12 to the
11 Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

12 31. Attached hereto as **Exhibit 30** is a true and correct copy of Exhibit 13 to the
13 Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

14 32. Attached hereto as **Exhibit 31** is a true and correct copy of Exhibit 15 to the
15 Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

16 33. Attached hereto as **Exhibit 32** is a true and correct copy of Exhibit 23 to the
17 Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

18 34. Attached hereto as **Exhibit 33** are true and correct copies of excerpts of the
19 Expert Report of Dr. Benjamin F. Goldberg Regarding Validity of Patents-in-Suit, dated August
20 25, 2011.

21 35. Attached hereto as **Exhibit 34** are true and correct copies of excerpts of the
22 transcript of the deposition of Peter Kessler, taken August 4, 2011.

23 36. Attached hereto as **Exhibit 35** are true and correct copies of excerpts of the
24 transcript of a February 9, 2011 hearing before the Honorable William Alsup in this case.

25 37. Attached hereto as **Exhibit 36** are true and correct copies of excerpts of the
26 transcript of a April 6, 2011 hearing before the Honorable William Alsup in this case.

27 38. Attached hereto as **Exhibit 37** is a true and correct copy of Oracle's Second
28 Supplemental Patent Local Rule 3-1 Disclosures of Asserted Claims and Infringement

Contentions, dated April 1, 2011.

39. Attached hereto as **Exhibit 38** is a true and correct copy of excerpts of a Notice of Subpoena to Motorola Mobility, Inc., dated April 12, 2011.

40. Attached hereto as **Exhibit 39** is a true and correct copy of excerpts of Plaintiff's Notice of Third Party Subpoena to Motorola Mobility, Inc., dated July 13, 2011.

41. Attached hereto as **Exhibit 40** is a true and correct copy of Exhibit B to the Reply Expert Report of John C. Mitchell Regarding Patent Infringement, dated September 1, 2011.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at San Francisco, California on September 24, 2011.

By: /s Daniel Purcell
DANIEL PURCELL